

TITLE 13 SEWERS

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CHAPTER 13.04. CONNECTIONS

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13.04.010 Sewer District.

The entire city shall comprise one sewer district.

13.04.020 Special Connection Charge.

If the property to be connected to a public sewer has not been assessed for any part of the cost of construction of the said public sewer, the owner shall pay a special connection charge to the city. The city engineer shall determine the amount to be charged for such permit, which charge shall be an equitable portion of the cost of the sewer, and the amount so determined shall, upon confirmation by the city council by resolution, be paid to the city treasurer and credited to the proper fund before a permit to make such connection shall issue. Such permit, when issued, shall be in writing and signed by the city manager or his designee.

(Ord. S-29858, 1976).

13.04.030 Connections before Paving.

Whenever the city council shall order any street, highway, avenue, alley, public ground or place permanently improved by paving, it shall be the duty of all owners of property fronting thereon to make the connections from sewers, gas lines, water lines, steam heating pipes and underground electric connections to the curb line of the adjacent property before the improvement is made. In any case where any connection is not made before such improvement is made, no permit shall be issued for the making of any connection within fifteen months after such improvement is completed and accepted except upon payment of a fee of twenty-five dollars in addition to all other fees and charges, which fee shall be credited to the fund used in keeping pavements in repair.

13.04.040 Notice to Make Connections to Sewer.

Whenever the council has ordered any street, highway, avenue, alley, public ground or place permanently improved by paving and the city council shall deem it necessary that the connections from any sewer, gas line, water line, steam heating pipe or underground electric connection should be made to the curb line of any adjacent property, they shall serve written notice on the owner of said property, either personally or by mail or by posting on the property to make said connections by a date fixed which shall not be less than ten days after such notice is given, or to show cause in writing filed with the director of the utilities department within the time why the connections should not be made. At the expiration of the time fixed, the director of the utilities department or their duly authorized agent shall report the matter to the council with all objections filed and such recommendations as he may deem proper, and thereupon the council shall, by resolution, order the making of such connections as they shall deem necessary.

(Ord. 2017-0998; 98/U-6424)

13.04.050 Assessment of Cost.

When the council shall order any such connections made, the director of the utilities department shall cause the work to be done and the cost thereof shall be collected from the owner of the property for which such connections are made and such property may be assessed as provided by law.

(Ord. 2017-0998; 98/U-6424; 84/T-2639)

13.04.060 Permit to Make Connections after Paving.

In the event sewer, water, gas, underground electrical connections or steam heating connections are not made before the street, highway, avenue, alley, public ground or place is permanently improved by paving, and it is necessary to cut through the pavement to make said connections, no permit shall be issued for the making of such connections within fifteen months after the completion and acceptance of the pavement except upon the payment of a fee of twenty-five dollars for each cut through the pavement to make said connections in addition to all other fees and charges, and the fee shall be credited to the funds used in keeping pavements in repair.

(Ord. S-1880, 1963).

13.04.070 Penalty for Violations.

Any person violating any of the provisions of this chapter or who makes a connection without payment of the connection charges due under this chapter or violates the sewage restrictions is, upon conviction, deemed guilty of a misdemeanor.

(Ord. S-13754, 1969).

CHAPTER 13.07. STORM AND SANITARY SEWER REGULATIONS

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13.07.010 Purpose.

It is determined and declared to be necessary for the protection of the environment and public health, safety and welfare to regulate the type and amount of discharge permitted into the sewer system of the City.

(Ord. 2012-0256; S-39108, 1979).

13.07.020 Definitions.

The following definitions shall apply to this chapter:

1. **Biochemical oxygen demand (BOD)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, results are expressed in milligrams per liter.
2. **Building drain** means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, the building sewer beginning outside the outer wall of the building.
3. **Bypass** means the intentional diversion of wastestreams from any portion of an industrial users treatment facility.
4. **City** means the City of Sioux City, Iowa.
5. **Contributor** means any person, firm or corporation, except a significant industrial user, owning, renting or operating any lot, parcel of real estate or buildings where liquid or solid waste or sewage is produced which is discharged in the sewer system of the City.
6. **Debris** means something that has been broken into pieces such as garbage, trash and/or waste.
7. **Dilution** means increasing the use of process water, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.
8. **Director** means the Utilities Director of the City, or his authorized representative.
9. **Domestic strength** means wastewater which has a total suspended solids (TSS) concentration less than three hundred parts per million (300 mg/L), a five-day biochemical oxygen demand (BOD) concentration less than two hundred fifty parts per million (250 mg/L), and a fats, oil and grease (FOG) concentration less than one hundred parts per million (100 mg/L).
10. **Fats, oil and grease (FOG)** means fats, oil and grease present in a contributors discharge measurable by standard laboratory extraction, results are expressed in milligrams per liter.
11. **Groundwater remediation** means wastewater generated in connection with investigating and/or remediating polluted groundwater or soil due to contamination.
12. **Industrial wastewater** means the wastewater entering the sanitary sewer system resulting from any manufacturing or industrial operation or process.
13. **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal and,
 - b. Therefore is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):

Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

14. **Pass through** means a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation).
15. **pH** means the logarithm of the reciprocal of hydrogen ion concentration in gram atoms per liter, used to express the acidity or alkalinity of a solution on a scale of 0 -14, where less than 7 represents acidity, 7 neutrality, and more than 7 alkalinity.
16. **Property** means any piece or portion of real estate.
17. **Public sewer** means a sewer which is controlled by the City.
18. **Sanitary sewage** means the waste from water closets, urinals, lavatories, sinks, bathtubs, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, refrigerator drains, drinking fountains, swimming pools, stable floor drains and all other liquids not classified as industrial wastes that enter the sanitary sewer systems.
19. **Sanitary sewer** means the collection of pipes and trunk mains designed to carry sewage and wastewater from houses and businesses to the WWTP for treatment and disposal.
20. **Sewage** means a combination of the water-carried wastes from property to the WWTP for treatment and disposal.
21. **Sewer** means a pipe or conduit for carrying sewage.
22. **Sewer user charge** means any and all rates, charges, fees or rentals levied against and payable by contributors and significant industrial users.
23. **Shall** is mandatory. "May" is permissive.
24. **Significant industrial user (SIU)** means:
 - a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
 1. Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWTP (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWTP Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
 - b. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown

wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 2. The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 3. The Industrial User never discharges any untreated concentrated wastewater.
- c. Upon a finding that an Industrial User meeting the criteria in paragraph (45)(a) of this section has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or WWTP, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.
25. **Slug discharge** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWTP regulations, local limits or permit conditions.
26. **Storm sewer** means the collection of pipes and trunk mains designed to carry storm water, surface water, and drainage, but excludes sewage and industrial wastewater, other than unpolluted cooling water.
27. **Total suspended solids (TSS)** means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid that is removable by laboratory filtering, results are expressed in milligrams per liter.
28. **WWTP** means the wastewater treatment plant owned and operated by the City.
- (Ord. 2012-0256; 2006-0835, 2000-9673; 98/U-6424; 90/T-9020; 83/T-2039)

13.07.030 Uniform Plumbing Code Reference.

The City has, pursuant to [Chapter 20.14](#) of this code, adopted the Uniform Plumbing Code to govern the construction of utility systems on private property. The City has also adopted Standard Specifications for the Construction of Sanitary and Storm Sewers which has been approved by and are on file with the Iowa Department of Natural Resources. All construction of sewer facilities located in public right-of-way shall be in accordance with these specifications, which by this reference are made a part hereof as though fully set forth herein. Before using any type of plastic pipe it shall be the responsibility of the consumer or installer to verify the absence of any contaminated soil which may negate the option of PVC or polyethylene pipe. If specified levels of contamination are discovered, the use of PVC or polyethylene pipe is prohibited. Information on contamination levels at which PVC or polyethylene pipe use is prohibited is available through the city engineering division.

(Ord. 2017-0998; 2012-0256; 2006-0835, 99-8054; S-39108, 1979)

13.07.035 Low Pressure Sewage Systems.

The following regulations apply to premises with low pressure sewage pumps connected to low pressure sewage collection systems within the City:

1. No low pressure sewage system shall connect to a City sewer without obtaining a special permit from the City. No permit shall be issued for a low pressure sewage system until the owner of the property to be served has given to the City an easement to permit pump replacement as hereinafter provided.
2. All low pressure sewage systems must comply with specifications prepared and approved by the city engineer
3. Installation of the necessary pipes and pump and maintenance of the low pressure sewage system is the responsibility of the property owner except at hereinafter provided.
4. In addition to the regular fees for the treatment of sewage, a low pressure sewage system owner shall enroll in the service protection plan offered by the provider working in conjunction with the City. The owner shall be billed for the service protection plan in accordance with the agreement between the City and the provider of the plan. If a low pressure sewage system owner wishes to opt out of the service protection plan, approval must be obtained from the city manager or their designee. In opting out of the service protection plan, the owner will be solely responsible for all maintenance or replacement costs associated with the low pressure pump system. Anyone violating the provisions of this ordinance is guilty of a municipal infraction and shall upon conviction, be punished as provided in Section 1.04.100 of the Sioux City Municipal Code.

(Ord. 2014-0832; 2012-0256; 2007-0319)

13.07.040 Prohibited Discharges into Sanitary Sewers.

1. **Discharge of untreated sewage:**
 - a. It is unlawful to discharge into any storm sewer within the City or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.
2. **Discharge of storm water into the sanitary sewer;**
 - a. No contributor shall discharge or cause to be discharged any storm water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewers unless otherwise authorized by the Director.
 - b. Stormwater and all other unpolluted drainage shall be discharged into storm sewers approved by the Director. Industrial cooling water or unpolluted process waters may be discharged into a storm sewer or natural outlet; such discharges must have a discharge permit issued by the Environmental Protection Agency or the Iowa Department of Natural Resources.
3. **General prohibitions.** These general prohibitions and the specific prohibitions of this chapter apply to each contributor introducing pollutants into a WWTP whether or not the contributor is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements.
 - a. No contributor may introduce into a WWTP any pollutant(s) which cause pass through or interference.

4. **Specific prohibitions.** The following pollutants shall not be introduced into the sanitary sewer and/or WWTP;
 - a. Pollutants which create a fire or explosion hazard in the WWTP, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
 - b. Pollutants which will cause corrosive structural damage to the sanitary sewer and/or WWTP,
 - c. Pollutants which have a discharge pH lower than 5.0 s.u. or greater than 11.5 s.u.
 - d. Any pollutant released in a discharge at a flow rate and/or pollutant concentration which will cause interference or pass through at the WWTP,
 - e. Any discharge with heat in such quantities that the temperature at the WWTP exceeds 40 degrees Centigrade or 104 degrees Fahrenheit which inhibits the biological activity of the WWTP and causes interference or pass through,
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin,
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sanitary sewer and/or WWTP in a quantity that may cause acute worker health and safety problems,
 - h. Any trucked in or hauled pollutants, except at discharge points designated by the WWTP,
 - i. Any debris which causes a restriction or blockage within the collection system,
5. No contributor shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 - b. Any waters or wastes containing carcinogenic, toxic or poisonous solids, liquids or gases in sufficient quantity to either singly or by interaction with other wastes, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving waters of the sewage treatment plant,
 - c. Any discharge prohibited by 40 CFR 403.5,
 - d. Any discharge prohibited by 40 CRR 403.6,
 - e. Any combination of discharges that cause the WWTP to exceed its influent capacity,
 - f. Any combination of discharges that cause the WWTP to exceed its regulated NPDES effluent discharge limits to the Missouri River.
6. Waters or wastes containing substances which are not amenable to treatment or reduction by the WWTP processes employed, or are amenable to treatment only to such degree that the WWTP effluent cannot meet the requirements of the issued NPDES permit to the Missouri River.

(Ord. 2012-0256; S-39108, 1979).

13.07.050 Prohibited Connections to the Sanitary Sewer.

1. No contributor shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

2. No contributor shall bypass or dilute any wastestream in lieu of adequate treatment or monitoring.

(Ord. 2012-0256; S-39108, 1979).

13.07.060 Permitted Discharges into Public Sewers at the Discretion of the Director.

1. Contributors may discharge the following wastes upon expressed written permission from the Director. If the Director finds that the identified wastestreams will not harm the public sewers, the WWTP processes or equipment, not have an adverse effect on the receiving stream or otherwise endanger life, limb, public property or constitute a nuisance then permission to discharge may be granted. These discharges include, but are not limited to:
 - a. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit or sixty-five degrees Centigrade;
 - b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit or zero degrees and sixty-five degrees Centigrade;
 - c. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions;
 - d. Any waters or wastes containing metals, toxic organics and/or similar objectionable pollutants contained in 40 CFR 403.5,
 - e. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with the applicable state or federal regulations;
 - f. Any waters or wastes having a pH less than 5.0 s.u. or in excess of 11.5 s.u.;
 - g. Materials which exert or cause:
 1. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),
 2. Any slug load resulting in unusual treatment requirements in such quantities as to constitute a significant load on the WWTP,
 - h. Any waters or wastes having:
 1. A BOD concentration greater than two hundred fifty parts per million (250 mg/L) by weight;
 - A. Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.
 2. A TSS concentration more than three hundred parts per million (300 mg/L) by weight;
 - A. Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.
 3. A FOG concentration more than one hundred parts per million (100 mg/L); and/or
 - A. Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.
 4. An average daily flow greater than two percent of the average sewage flow of the WWTP;
 - i. Any waters or wastes containing dissolved sulfides in excess of 0.5 mg/L.

- j. Septic tank waste.
 - 2. Contributors may discharge wastewater generated from groundwater remediation sites involving groundwater and/or soil contamination upon expressed written permission from the Director. These discharges may include, but are not limited to:
 - a. Volatile organic compounds (VOC)
 - b. Chlorinated solvents
 - c. Hydrocarbons
 - d. Metals
 - e. Base neutral and acid extractables
 - f. Semi-Volatile organic compounds
 - g. Pesticides
- (Ord. 2017-0998; 2012-0256; S-39108, 1979).

13.07.070 Discharges into Public Sewers - Significant Industrial User Regulations.

- 1. The preceding regulations ensure the following in accordance with 40 CFR 403.2:
 - a. Prevent the introduction of pollutants in the sanitary sewer system which will interfere with the operations of the WWTP, including interference with its use or disposal of municipal sludge,
 - b. Prevent the introduction of pollutants to the sanitary sewer system which will pass through the WWTP or otherwise be incompatible with such operations, and/or
 - c. Improve opportunities to recycle and reclaim municipal and industrial wastewaters and/sludges for reuse or sale.
- 2. **Permit Application/Renewal.**
 - a. Any contributor considered a SIU shall be required to submit a permit application to the director prior to discharging. Information obtained in the permit application shall include but is not limited to:
 - 1. Name, address and contact information of the applicant,
 - 2. Location and legal description of the property to be covered by the permit,
 - 3. A general statement of the type of operations conducted at the facility.
 - 4. A plat of the property showing accurately the sewers and drains, including sanitary and storm water,
 - 5. A complete profile of all process waters in excess of domestic strength waste produced or expected to be produced for discharge from the property, including:
 - A. A description of the character of each waste,
 - B. The daily volume and maximum rates of discharge,
 - C. Representative analysis of the proposed wastestream if possible;
 - 6. Each SIU shall furnish the City with information regarding the volume of wastewater per unit of production and the resulting discharge according to the production rate.
 - b. All applications shall require the applicant to agree to:
 - 1. Furnish at the request of the Director any additional information relating to the installation or use of the industrial sewer for which the permit is sought,

2. Accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future,
 3. Operate and maintain any wastewater pretreatment facilities, as may be required, as a condition of the acceptance to discharge into the public sewers, of the waste involved, in an efficient manner at all times, and at no expense to the City,
 4. Cooperate at all times with the Director in the inspecting, sampling and studying of any wastestreams generated by the permittee and in the inspecting of any facilities,
 5. To notify the Director immediately in the event of any accident, negligence or other occurrence which results in the discharge of pollutants not covered by permit into the sanitary sewer, and
 6. To provide and submit notices and reports as required by 40 CFR 403.12.
- c. Each SIU shall be required to submit a Slug Control Plan as part of the permit application/renewal process. This plan will include but is not limited to:
1. A detailed plan of the procedures and policies which are in place to prevent the occurrence of a slug discharge,
 - A. The plan should also detail the steps to control and report discharges in the event that a slug discharge occurs.
 - B. The plan shall be updated upon permit renewal or as part of a significant process or pretreatment modification.
- d. After examination by the Director, of the information contained in the submitted permit application, it is determined:
1. That the characteristics of the proposed discharge do not conflict with the provisions of this chapter and/or the operation of the WWTP, a permit shall forthwith be issued allowing the discharge of such waste to the public sewers.
 2. That the characteristics of the proposed discharge are not compliant with the provisions of this chapter and/or are not compatible with the operation of the WWTP, the application shall be denied and the applicant forthwith in writing of the steps which must be taken to ensure compliance with the provisions of this chapter, which may include, but are not limited to:
 - A. Rejection of the wastes, no alternative,
 - B. Require pretreatment to an acceptable concentration for discharge into the public sewers. To this end, the Director may require pretreatment to less than domestic strength.
 - i. if pretreatment is required the design shall be certified by an engineer as best available technology for the nature of the discharge prior to the installation and shall be subject to review and approval of the Director;
 - ii. a compliance schedule may be required for the design, construction and installation of equipment for such pretreatment.
 - iii. All projects shall be subject to the requirements of all applicable codes, ordinances and laws, and
 - iv. The cost of the all pretreatment facilities shall be paid by the applicant contributing the wastes.
 - C. Require control over the volume and rates of discharge, and/or

- D. Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer user charges under the provision of this chapter.
- e. Each permitted SIU, ninety (90) days prior to the expiration of said permit, shall submit a permit renewal application to the Director.
- f. Any SIU that identify information provided in a permit application or permit renewal as "Confidential Information" shall restrict the availability of said information in accordance with Chapter 68A of the Code of Iowa and other applicable state and federal law.

3. General Requirements.

- a. All permitted SIUs shall install a suitable sampling station for the collection and evaluation of discharges. Sampling stations shall include, but are not limited to:
 - 1. Be constructed at a common outfall after all process wastewater is combined,
 - 2. Flow metering capabilities for reporting representative flow data during high and low flow,
 - A. Flow meter calibrations shall be coordinated and scheduled by the City every six (6) months, with the appropriate charges paid for by the SIU as part of the Sampling Fee (13.08.060);
 - B. In the event that the City is unable to provide such service, the SIU shall be required to complete this requirement and submit the appropriate reports to the Director in accordance with reporting requirements.
 - 3. Sampling equipment capable flow paced sampling to ensure fluctuations in operation are represented in the composite sample collected for analysis,
 - A. Sampler maintenance and calibrations shall be completed by the SIU in accordance with the operation manual for said equipment.
 - 4. Sink with hot water to ensure the sampling equipment can be cleaned between sampling events,
 - 5. Sampling stations shall be safe and accessible by the Director at any given time for the purpose of discharge monitoring,
 - A. In the event that a sampling station is not accessible or provided, samples shall be collected, if necessary, from the nearest downstream manhole of the sewer from the point at which the building sewer is connected;
 - 6. The sampling station shall be installed and maintained by the contributor, at the contributor's expense.
- b. All permitted SIUs shall communicate to the Director prior to, or immediately preceding any of the following:
 - 1. Process changes including but not limited to;
 - A. Increases or decreases in operation/production that would affect the volume and/or concentration of wastewater discharging from the facility,
 - B. Chemical changes that may affect the integrity of the wastewater being contributed,
 - C. Addition or reduction of pretreatment processes that may affect the integrity of the wastewater being contributed.
 - 2. Slug discharges that have the potential to impact the collection system and/or the operation of the WWTP,
 - 3. Spills that have the potential to impact the collection system and/or the operation of the WWTP,

4. Shut downs scheduled or unscheduled that will affect the volume and/or concentration of wastewater discharging from a facility, and/or
 5. Any internal contact changes.
- c. All SIUs shall utilize best management practices to ensure pollutant prevention and control of pollutant concentrations discharging including by not limited to:
1. Appropriate maintenance and operation of existing pretreatment systems.
 2. Settling pit monitoring should be performed through the use of a sludge judge. Settling pits/tanks should be pumped or cleaned out prior to the amount of solids and/or grease amounting to 25% of the available pit volume.
 3. Standard operating procedures shall be utilized, where applicable, to ensure control of pollutants discharging from facility operations,
 4. High strength waste is controlled and/or disposed of appropriately,
 5. Dry cleanup is utilized internally as much as possible prior to clean up/sanitation, and
 6. Training of staff is performed to ensure that facility employees understand the importance of pollutant prevention in controlling discharge concentrations from the facility;
- d. All SIUs must submit written notification of a proposed production increase of 10% or more to the Director. The Director may require the SIU to increase pretreatment capabilities for the nature of the discharge.
- 4. Sampling and Analysis.**
- a. All analysis referenced in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" and with regulations set forth in 40 CFR 136.
 - b. Sampling shall be performed to:
 1. Determine the existence of hazards to life, limb and/or property,
 2. Determine the concentration of pollutants discharging from a facility in an effort to:
 - A. Determine cost for treatment,
 - B. Maintain compliance with WWTP influent capacities for treatment, and
 - C. Monitor pollutant impact on the sanitary sewer system,
 - c. The particular analysis being evaluated will determine whether a twenty-four hour composite is appropriate or whether a grab sample or samples should be collected;
 - d. The City has agreed to undertake non-categorical SIU sampling and reporting. In the event that the City is unable to provide such service, the SIU shall be required to complete this requirement and submit the appropriate reports to the Director in accordance with reporting requirements;
 - e. At the request of the permittee, split samples may be taken at the time of sample collection for the SIU to perform additional analysis of the effluent discharge. To ensure defensible samples are analyzed, samples must comply with the following:
 1. Samples must be preserved according to regulations in 40 CFR 136,
 2. Samples must be delivered to the lab for analysis within the appropriate hold time according to regulations in 40 CFR 136,
 3. Samples must have a valid chain of custody upon third party receipt to document sample date and time, delivery date and time, and signature of all responsible parties,

4. Samples must be evaluated by a certified laboratory for the requested analysis.

5. Reporting requirements.

- a. All monitoring reports shall be submitted to the Director by the 5th day of the preceding month, unless described otherwise in the appropriate categorical regulation. These reports include but are not limited to:
 1. Flow monitoring reports,
 2. Effluent analysis in excess of those analysis performed by the Director under the approved requirements of the administered Pretreatment Program;
- b. Categorical compliance reports shall be submitted bi-annually by the 30th day of June and the 31st day of December. These reports include but are not limited to:
 1. Self monitoring reports for compliance monitoring,
 2. Certification statements for continued compliance;
- c. The permittee shall also submit the following reports in accordance with 40 CFR 403.12, these reports include but are not limited to:
 1. Baseline monitoring reports,
 2. Accidental spill or slug loads within 24 hours of communicated event, including:
 - A. The nature and cause of the spill,
 - B. Remediation and disposal information, and
 - C. Control mechanisms put in place to prevent the occurrence from happening again;
 3. Changes in identifying information, including facility name and authorized representative(s),
 4. Changes in pollutant concentration and/or production volumes, prior to process changes,
 5. Changes to pretreatment processes, prior to modification.

(Ord. 2017-0998; 2012-0256; 83/T-2039; S-39108, 1979)

13.07.080 Connections to Sanitary Sewers - Groundwater Remediation Regulations.

1. Purpose.

- a. The regulations contained in this section govern the removal of pollutants from soil and/or groundwater contamination in an effort to protect the quality of the water table used for irrigation, drinking water and/or other application.

2. Permit Application.

- a. Any contributor requesting permission/authorization to discharge groundwater remediation wastewater shall be required to submit a permit application to the director prior to discharging. Information obtained in the permit application shall include but is not limited to:
 1. Name, address and contact information of the applicant,
 2. Location and legal description of the remediation site to be covered by the permit,
 3. A general statement of the type of operations conducted at the facility and the reason(s) for the remediation project,

- A. If the applicant proposing to create, originate or maintain a groundwater remediation discharge knows or has reasonable suspicion that any other pollutant has been used, stored, released and/or disposed of which could be toxic, hazardous or detrimental to the sanitary sewer system or the operation of the WWTP and/or cause interference or pass through additional analysis and/or treatment may be required by the Director,
4. A plat of the property showing accurately the sewers and drains, including sanitary and storm water,
5. A complete profile of all process waters in excess of domestic strength waste produced or expected to be produced for discharge from the property, including:
 - A. A description of the character of each waste,
 - B. The daily volume and maximum rates of discharge,
 - C. Representative screening analysis of the proposed wastestream if possible;
6. An initial screening panel should include all toxicants and/or pollutants expected to be present in the discharge. Additional testing may be required based on site history,
- b. All applications shall require the applicant to agree:
 1. To furnish at the request of the Director any additional information relating to the installation or use of the sewer for which the permit is sought,
 2. To accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future,
 3. To operate and maintain any wastewater pretreatment facilities in an efficient manner at all times and at no expense to the City,
 4. To cooperate at all times with the Director in the inspecting, sampling and studying of any wastestream generated by the permittee and in the inspecting of any facilities,
 5. To notify the Director immediately in the event of any accident, negligence or other occurrence which results in the discharge of pollutants not covered by permit into the sanitary sewer, and
 6. To provide and submit notices and reports as required by 40 CFR 403.12.
- c. After examination by the Director, of the information contained in the submitted permit application, it is determined:
 1. That the characteristics of the proposed discharge do not conflict with the provisions of this chapter and/or the operation of the WWTP, a permit shall forthwith be issued allowing the discharge of such waste to the public sewers.
 2. That the characteristics of the proposed discharge are not compliant with the provisions of this chapter and/or are not compatible with the operation of the WWTP, the application shall be denied and the applicant forthwith in writing of the steps which must be taken to ensure compliance with the provisions of this chapter, which may include, but are not limited to:
 - A. Rejection of the wastes, no alternative,
 - B. Require pretreatment to an acceptable concentration for discharge into the public sewers. To this end, the Director may require pretreatment to less than domestic strength.
 - i. If pretreatment is required the design shall be certified by an engineer as best available technology for the nature of the discharge prior to the installation and shall be subject to review and approval of the Director;

- ii. A compliance schedule may be required for the design, construction and installation of equipment for such pretreatment.
 - iii. All projects shall be subject to the requirements of all applicable codes, ordinances and laws, and
 - iv. The cost of the all pretreatment facilities shall be paid by the applicant contributing the wastes.
- C. Require control over the volume and rates of discharge, and/or
- D. Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer charges under the provision of this chapter.
- d. The Director shall issue Groundwater Remediation permits on an annual basis with a maximum duration of five (5) years:
 - 1. Permits may be extended in year increments provided permit renewal applications are filed with the Director ninety (90) days prior to the expiration of the issued permit.

3. General Requirements.

- a. Sampling and analysis shall be determined by site chemical history and from initial testing, based on pollutants that have been used, stored, released and/or disposed of on site:
 - 1. Samples must be preserved according to regulations in 40 CFR 136,
 - 2. Samples must be delivered to the lab for analysis within the appropriate hold time according to regulations in 40 CFR 136,
 - 3. Samples must have a valid chain of custody upon third party receipt to document sample date and time, delivery date and time, and signature(s) of all responsible parties,
 - 4. Samples must be evaluated by a certified laboratory for the requested/required analysis.
- b. Sampling and analysis shall be completed once a month during the first six months of the permit cycle for new dischargers. If the discharge maintains compliance with applicable permit limits, the required frequency will be reduced to once every 6 months for the duration of the project/permit. Non-compliance may result in more frequent sampling at the request of the Director.

4. Reporting requirements.

- a. All monitoring reports shall be submitted to the Director by the 5th day of the preceding month, unless described otherwise in the appropriate categorical regulations. These reports include but are not limited to:
 - 1. Flow monitoring reports,
- b. Categorical compliance reports shall be submitted bi-annually by the 31st day of June and the 31st day of December. These reports include but are not limited to:
 - 1. Self monitoring reports for compliance monitoring,
 - 2. Certification statements for continued compliance;
- c. The permittee shall also submit the following reports in accordance with 40 CFR 403.12; these reports include but are not limited to:
 - 1. Baseline monitoring reports,
 - 2. Accidental spill or slug loads within 24 hours of communicated event, including:
 - A. The nature and cause of the spill,
 - B. Remediation and disposal information, and

- C. Control mechanisms put in place to prevent the occurrence from happening again;
 - 3. Changes in identifying information, including facility name and authorized representative(s),
 - 4. Changes in pollutant concentration and/or production volumes, prior to process changes,
 - 5. Changes to pretreatment processes, prior to modification.
- (Ord. 2012-0256; S-39108, 1979)

13.07.090 Right of Entry.

1. The director shall be permitted to enter any property other than residences, at any time, and residences at such reasonable times for the purpose of inspection, observation, set up and use of monitoring equipment, sampling, testing, or inspecting and copying records in accordance with the provisions of this chapter, state regulation and /or federal code; provided, that:
 - a. If such property is occupied he/she shall first present proper credentials to the occupant and request entry, explaining his/her reasons therefore; and
 - b. If such property is unoccupied, he/she shall first make a reasonable effort to locate the owner of such property and request entry, explaining his/her reason therefore,
 - c. If such entry is refused or cannot be obtained because the owner of such property cannot be found after due diligence, the Director shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes.
2. Notwithstanding the foregoing, if the Director has reasonable cause to believe that prohibited waters or wastes are being discharged from any property into a public sewer, and has reasonable cause to believe that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health or safety, he/she shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained.
 - a. If the property is occupied, he/she shall first present the proper credentials to the occupant and demand entry, explaining his/her reasons therefore and the purpose of his inspection.
 - b. No contributor shall fail or refuse, after proper demand has been made upon him, as provided in this subsection, to promptly permit the director to make any inspection provided for by this subsection.
 - c. Violating this subsection is guilty of a misdemeanor.
3. The director shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
4. While performing the necessary work on property referred to in this section, the director shall observe all applicable safety rules established by the owner of the property.

(Ord. 2012-0256; S-39108, 1979)

13.07.100 Sanitary Sewer Service Connections.

Whenever possible, the building sewer shall be brought into the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged into the building sewer.

(Ord. 2012-0256; 90/T-9329; 88/T-6121; S-39108, 1979)

13.07.110 Enforcement Actions.

All enforcement actions entitled to the Director for violations of this chapter, state and/or federal code are documented in the City of Sioux City Enforcement Response Plan (ERP) which describes the processes for obtaining and evaluating compliance, for identifying non-compliance, for selecting an appropriate enforcement action and/or fine, and for resolving non-compliance in a timely manner in accordance with 40 CFR 403.8 (f)(viii)(H)(5) including but not limited to:

1. **Fines/Penalties.** Any person who has violated or is violating the provisions of this chapter, shall be guilty of a municipal infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) per violation per day, for the duration of the violation. Fines shall be issued where applicable following the penalty structure in [1.04.100](#) of the City of Sioux City Municipal Code, including but not limited to:
 - a. *First infraction*-NOV
 - b. *Second infraction*- \$175.00 per day per violation
 - c. *Third infraction* - \$350.00 per day per violation
 - d. *Fourth infraction*-\$500.00 per day per violation
 - e. *Fifth infraction*-\$750.00 per day per violation
 - f. Continued non-compliance will result in the issuance of \$1,000.00 per day per violation
2. **Injunctive Relief/Termination of Service.** In case any person has violated or is violating the provisions of this chapter, the Director may petition the court for the issuance of a preliminary or permanent injunction or both, which restrains or compels the activities on the part of the person. The Director shall have such remedies to collect all associated fees as are available to collect other sewer service charges.
3. **Criminal Actions.** Any person who willfully or negligently violates any provision of this chapter, or who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required pursuant to this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 per violation per day. Each separate provision of this chapter violated shall constitute a separate offense.

(Ord. 2017-1097; 2012-0256; 83/T-2039; S-39108, 1979)

13.07.120 Repealed by 2012-0256.

(Ord. 2012-0256; 90/T-9020)

13.07.130 Repealed by 2012-0256.

(Ord. 2012-0256; S-39108, 1979).

13.07.140 Repealed by 2012-0256.

(Ord. 2012-0256; 83/T-2039; S-39108, 1979)

13.07.150 Repealed by 2012-0256.

(Ord. 2012-0256; 83/T-2039; S-39108, 1979).

13.07.160 Repealed by 2012-0256.

(Ord. 2012-0256; S-39108, 1979).

13.07.161 Repealed by 2004-0795

13.07.162 Repealed by 2004-0795

13.07.163 Repealed by 2004-0795

13.07.164 Repealed by 2004-0795

13.07.165 Repealed by 2004-0795

13.07.166 Repealed by 2012-0256.

(Ord. 2012-0256; 83/T-1464).

13.07.170 Repealed by 2012-0256.

(Ord. 2012-0256; 90/T-9020)

CHAPTER 13.08. SANITARY SEWER RATES

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13.08.010 Establishment of Sewer User Charges.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges, rates or user fees from all persons owning, or to levy for same upon, all lots, parcels of real estate or buildings that are connected directly or indirectly with the public sewer system by or through any part of such sewage system of the city or that in any way use such public sewer system; the proceeds of such charge or fees so derived to be used for the purpose of operating, maintaining and repairing such public sewer system.

(Ord. 2011-0739; S-39109, 1979).

13.08.020 Definitions.

The following terms shall have the following meanings when used in this chapter:

1. **Biological oxygen demand** (BOD) means the quantity of oxygen utilized in the oxidation of organic matter under standard laboratory procedure in five days at 20 C and results are expressed in milligrams per liter.
2. **Bypass** means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
3. **Capital costs** means the unamortized principal costs for the existing and new treatment facilities remaining on June 30, 1978. Capital costs are financed by the issuance and sale of the sewer revenue bonds, covering the costs for the existing interceptor, outfall and outlet sewers, lift stations and treatment facilities as well as the new treatment facilities.
4. **Categorical Industrial User** means any contributor subject to 40 CFR 403.6 and 40 CFR chapter I, subchapter N.
5. **City** means the City of Sioux City, Iowa.
6. **Contributors** means any person, firm or corporation, except a significant industrial user, owning, renting or operating, any lot, parcel of real estate or buildings where liquid or solid waste, or sewage is produced which is discharged into the sewer system of the city.

7. **Delivery system** means and includes interceptor sewers, outfalls, outlet sewers and all lift stations used to transport sanitary sewer wastewater to the WWTP for treatment and disposal.
8. **Dilution** means increasing the use of process water, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.
9. **Direct discharge** means any contributor that discharges directly to the headworks of the City's WWTP and therefore does not utilize any of the lift stations and interceptor sewers maintained by the City.
10. **Director** means the Utilities Director of the City, or his/her authorized representative.
11. **Domestic-commercial user** means a contributor discharging less than twenty-five thousand gallons per day but more than domestic strength concentration.
12. **Domestic strength** means wastewater which has a total suspended solids (TSS) concentration less than three hundred parts per million (300 mg/L), a five-day biochemical oxygen demand (BOD) concentration less than two hundred fifty parts per million (250 mg/L), and a fats, oil and grease (FOG) concentration less than one hundred parts per million (100 mg/L).
13. **EPA** means the Environmental Protection Agency or its authorized representative.
14. **Extra strength** means discharges greater than domestic strength that have a TSS concentrations less than twelve hundred part per million (1200 mg/L), a BOD concentration less than two thousand parts per million (2000 mg/L), or an FOG concentration less than four hundred parts per million (400 mg/L).
15. **Flow unit** means a volume of liquid equal in quantity to one thousand gallons.
16. **FOG** means fats, oil and grease present in a contributors discharge measurable by standard laboratory extraction, and results are expressed in milligrams per liter.
17. **Groundwater remediation** means wastewater generated in connection with investigating pollution or remediating polluted/contaminated groundwater or soil.
18. **IDNR** means the Iowa Department of Natural Resources or its authorized representative.
19. **Industrial User** means any contributor that discharges less than 25,000 gallons per day of process wastewater to the WWTP (excluding sanitary, noncontact cooling and boiler blowdown wastewater) which has a discharge concentration in excess of domestic strength.
20. **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal and,
 - b. Therefore is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and

including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

21. **Monthly average** means the calculation by which billing and compliance will be determined. When applicable, monthly averages will be calculated using the total number of days in the calendar month for which the data represents.
22. **Outside Improvement District User** means Dakota Dunes Community Improvement District, a local governmental entity under SDCL §7-25A.
23. **Outside municipalities** means those incorporated city governments outside the corporate limits of Sioux City, Iowa. The outside municipalities are Dakota Dunes, South Dakota; North Sioux City, South Dakota; Sergeant Bluff, Iowa, and South Sioux City, Nebraska.
24. **Pass through** means a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation).
25. **Prohibited** means to forbid an activity, action or discharge by authority or law.
26. **Public sewer** means a sewer which is controlled by the City of Sioux City.
27. **Sewage** means a combination of the water-carried waste from property to the WWTP for treatment and disposal.
28. **Sewer** means a pipe or conduit for carrying sewage and wastewater.
29. **Sanitary sewer** means the collection of pipes and trunk mains designed to carry sewage and wastewater from houses and businesses to the WWTP for treatment and disposal.
30. **Septic tank waste** means sewage collected from septic tanks or holding tanks by tank truck or similar conveyance delivered to the WWTP for treatment and disposal.
31. **Service charge** means a charge of seven percent of that part of the contributing city unit rate attributable to treatment of sewage and shall be for support services given WWTP by other departments of Sioux City administration, the cost of which is not reflected in either delivery costs or treatment costs. This charge also compensates for the burden of ultimate responsibility for assuring compliance with state and federal requirements governing treatment of wastes.
32. **Sewer user charge** refers to any and all rates, charges, fees or rentals levied against and payable by sewer service and significant industrial user.
33. **Shall** is mandatory.
34. **Significant Industrial User** means:
 - a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
 1. Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWTP (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWTP

Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

- b. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 1. The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 2. The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 3. The Industrial User never discharges any untreated concentrated wastewater.
 - c. Upon a finding that an Industrial User meeting the criteria in paragraph (45)(a) of this section has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or WWTP, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.
35. **Slug Discharge** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWTP regulations, local limits or permit conditions.
 36. **Surcharge strength** means any discharge which has a total suspended solids (TSS) concentration greater than twelve hundred parts per million (1200 mg/L), a five-day biochemical oxygen demand (BOD) concentration greater than two thousand parts per million (2000 mg/L), or a fats, oil and grease (FOG) concentration greater than four hundred parts per million (400 mg/L).
 37. **Tier 1** means billing threshold set at extra strength discharge concentrations.
 38. **Tier 2** means billing threshold set at surcharge strength discharge concentrations.
 39. **Total suspended solids** (TSS) means the total suspended matter that floats on the surface of or is suspended in, water, wastewater, or other liquid that is removable by laboratory filtering. Results are expressed in milligrams per liter.
 40. **User Charge Plan** means the plan adopted by the city council which establishes rates, rules and regulations for the operation and maintenance of the collection, delivery and treatment of the sewage generated in the metropolitan area of Sioux City, Iowa, as approved in accordance with special grant conditions of the IDNR and the EPA of the federal government or their successors. This user charge plan is subject to review and modification annually by the city council, the IDNR and EPA.

41. **WWTP** means the wastewater treatment plant owned and operated by the City of Sioux City.
(Ord. 2013-0081; 2012-0257; 2011-0739; 2007-0407, 2006-0485, 98/U-6424; 90/T-9329; 83/T-2089; S-39109, 1979)

13.08.030 Management of Sewer User Funds.

1. Charges for operation, maintenance, replacement and capital charges shall consider, among other factors, for the actual usage of all classes of users.
2. Calculated unit-allocated charges which shall be deposited in the capital costs fund shall be such as will provide adequate revenues for the debt service requirement of capital costs. These funds are not interchangeable. Revenue collected from the operation, maintenance and replacement portion of the charges shall not be used to offset any portion of the capital costs, nor shall any revenue collected from the capital costs portion of the charges be used to offset any portion of the operation, maintenance and replacement costs.
3. Charges to all classes of users shall be established by ordinance, with ordinance rates adjusted periodically to reflect changes in costs.
4. The city manager shall have general supervision and direction of the expenditures of the moneys received under this chapter in the operation and maintenance of the sanitary sewer system of the City.

(Ord. 2011-0739; 2006-0485, S-39109, 1979).

13.08.040 Sewer Use Regulations.

1. Except as hereinafter provided where special rates or charges may be established, every "contributor" shall pay to the city, at the office of the city treasurer and at the same time payment is due and payable for water service supplied to such premises by the water distribution system owned and operated by the city, a sewer user charge computed in accordance with the schedule set forth in Section [13.08.060](#), exclusive of any fees, taxes or other charges. Such sewer user charge shall be billed at the same time and in the same manner as water charges.
2. If any premises connected directly or indirectly to the sanitary sewer system of the city obtains a part or all of the water used or consumed thereon from a source or sources of supply other than the water distribution system owned and operated by the city, the sewer user charge for such property shall be computed in accordance with the schedule set forth in Section [13.08.060](#) during the period for which charges shall be billed. Sewer user charges computed as provided in this subsection shall be billed and be payable at the same time and place in the same manner as would be the case if all water used on such premises were obtained from the city water distribution system. For the purpose of determining sewer user charges under this subsection, each contributor to the city's sanitary sewer system shall, at his/her own expense, cause all sources of water, other than the city's water distribution system to be properly metered and provide access to such meter or meters to authorized representatives of the city for the purpose of examination, testing and reading. If the Director approves the adequacy of such metering and the method of installation thereof, such metering shall be used for the purpose of determining sewer user charges under this subsection. If any contributor fails to provide such metering of water or fails to maintain any such meters in satisfactory operating condition or

refuses access to the same by representatives of the City, or if the Director does not approve the adequacy or method of metering, the Director either:

- a. Shall cause sewage service to such premises to be terminated; or
 - b. Shall cause an estimate to be made of quantities of water consumed on such premises, in which case sewer user charges shall be made in accordance with such estimate.
3. All charges will be assessed on a minimum strength of waste equivalent to domestic strength sewage. Discharges of less than domestic strength concentration will not be credited.

(Ord. 2011-0739; S-39109, 1979).

13.08.050 Billing.

1. Contributors shall be billed on the basis of the following criteria:
 - a. Charges to domestic strength and domestic-commercial users shall be established on the basis of individual water usage, as determined through water meter readings, with charges calculated at a constant commodity rate in addition to the fixed costs for meter reading and billing, and for meter maintenance costs of city-owned water meters.
 - b. Minimum charges for each size of meter employed shall be continued as the initial charge to each domestic-commercial user, to cover the fixed costs referred to above, and with the allowable water usage under such minimum bills to be the same as provided for under minimum bills for the sale of water, but with the charge for such usage calculated at the constant commodity rate established for domestic-commercial water usage.
 - c. The sewer use charge for residential users billed quarterly shall be the same for each of the four quarters of the calendar year, and shall be determined by quarterly water usage as shown by water meter readings taken in January, February or March of each calendar year, and that the sewer use charge for residential contributors billed monthly be the same for each month of the calendar year, and shall be determined by the average monthly water usage as shown by water meter readings taken in January, February and March of each calendar year.
 - d. The City will review water usage and billings, for either quarterly or monthly billed users; in cases where water usage as shown by meter readings is less than the established winter quarter consumption, the actual consumption will be used in calculating sewer charges for that billing period only.
2. Industrial user shall be billed on the basis of the following criteria:
 - a. Charges to major industrial users for the delivery systems and treatment shall be established on the basis of applicable costs of operation, maintenance, and replacements of the delivery systems and the waste water treatment plant. Charges for the collection system shall be established on the basis of 60% of applicable costs of operation, maintenance, and replacement of the collection systems. Monthly flow units shall be calculated from readings of individual industrial owned flow meters.
 - b. The City will apply a tiered billing system to industrial discharges, based on monthly average loadings of BOD, TSS and FOG. These averages are calculated from laboratory analyses of individual wastewater samples. Individual industry charges shall be based upon usage; monthly flows applied against concentration:
 1. Discharges less than domestic strength shall incur no additional charge.

2. Tier 1 - shall be discharges above domestic strength but below calculated influent threshold, which will be charged at an applicable rate for extra strength discharges.
 3. Tier 2 - shall be discharges in excess of calculated influent threshold, which will be charged at two times the applicable rate for surcharge strength discharges.
- c. Volume charges shall be determined by rate analysis,
 - d. In addition, industrial users shall also be charged the costs of billing, sample collection and sample testing. Charges shall include, but not be limited to, the actual cost of travel, labor, chemicals, equipment replacement and other charges resulting from the sampling and testing of the wastes of the industry.
 - e. City shall coordinate the calibration of flow monitoring equipment twice per year at six month intervals. Payment for this service shall be included in the monthly sampling fee.
3. Charges to the outside municipalities for wastewater flow have been established through individually negotiated contracts. Under these contracts, the charges are calculated on the same basis as is employed for Sioux City domestic strength, domestic-commercial, and significant industrial users, for operation and maintenance of the delivery system and treatment facilities, including replacements, and billing charges for the number of bills rendered as taken from the Sioux City trial rate schedule, and for capital charges. In addition, there shall be added a seven-percent service charge, applied to the costs for treatment facilities only, to offset the costs for other Departmental services provided, but not billed to the treatment works, including administrative, engineering and public safety services, etc.

(Ord. 2011-0739; 90/T-8973; 89/T-7415; S-43358, 1981; S-39109, 1979).

13.08.060 User Charges.

1. The user charge plan is incorporated in its entirety as a methodology for allocation of costs, assessment of charges and apportionment of revenues. The calculated unit charges for domestic and/or domestic-commercial users shall be in accordance with the user charge plan with the following rate schedule:
 - a. For all consumption under 200 cubic feet the following rates apply:

Effective July 1, 2017	
Meter Size	Minimum Charge per month
5/8 inch	\$10.95
5/8 x 3/4 inch	\$10.95
3/4 inch	\$10.95
1 inch	\$17.30
1 1/2 inch	\$25.15
2 inches	\$40.66
3 inches	\$67.82
4 inches	\$125.98
6 inches	\$224.65
8 inches	\$399.58
10 inches	\$617.88

- b. For all consumption over 200 cubic feet the following charges apply per 100 cubic feet in excess of the above rates:
Effective July 1, 2017 \$4.105

2. Industrial users shall be charged in accordance with the following rate schedules effective July 1, 2017:

Flow	Per 1000 Gallons	Direct Discharge Rate per 1000 Gallons	
Effective July 1, 2017	\$2.469	\$1.828	
TSS	Domestic Strength	Tier 1	Tier 2
	< 300 mg/L	301-1200 mg/L	> 1200mg/L
Effective July 1, 2017	\$0.000	\$0.101	\$0.202
BOD	Domestic Strength	Tier 1	Tier 2
	<250 mg/L	251-2000 mg/L	> 2000 mg/L
Effective July 1, 2017	\$0.000	\$0.246	\$0.492
FOG	Domestic Strength	Tier 1	Tier 2
	<100 mg/L	101-400 mg/L	> 400 mg/L
Effective July 1, 2017	\$0.000	\$0.170	\$0.340

3. Subject to prior approval of the Director, the following supplemental billing provision applies to industrial users that have achieved a sustained discharge concentration of TSS below the applicable tiered threshold listed previously in this chapter, yet have concentrations of BOD that exceed Surcharge Strength:

- a. The program will be subject to the following eligibility requirements.
 1. An industrial user will be eligible for two levels of reduction based upon the discharge concentrations of TSS:
 2. The first level of reduction will correspond to TSS levels which are held below the Surcharge Strength threshold.
 3. The second level of reduction will correspond to TSS levels which are held below the Extra Strength threshold.
 - A. To be eligible for this supplemental billing provision an industrial user must achieve a sustained and consistent discharge concentration of TSS below the tiered threshold listed previously in this chapter for a period of 12 months.
 - B. An industrial user will forfeit eligibility at the qualifying level if their monthly average TSS discharge concentration exceeds the applicable threshold, in any two months during a rolling twelve month period. Forfeiting eligibility does not disqualify an industrial user for participation at another program level, or from achieving eligibility after another 12 month qualification period.
 - C. An industrial user must request, in writing to the Director, to be considered for this supplemental program. No industrial user will be included without a written request.
 - D. In no case will the provisions of this program be retroactively applied unless authorized by the Director.
 - E. These eligibility requirements serve as a guideline for program qualification and may be waived at the discretion of Director. In order for the Director to consider a

waiver, an industrial user is required to provide documentation which presents a proposal which includes timeframes for program improvements which will provide adequate treatment of TSS discharges from the facility.

- F. In the event that the eligibility requirements are waived and the industrial user fails to meet the proposed TSS reduction goals within the agreed upon timeframe, the facility will be billed for all fees which were not charged as part of the supplemental program, for the entire period in which the fees were waived.
- b. The supplemental provision will consider a lowered BOD rate for industrial user dischargers which have met the eligibility requirements of the program. The lowered rates will be applied in the following manner:
 - 1. An industrial user that consistently achieves TSS discharge concentrations between Extra Strength and Surcharge Strength levels, as described previously in this chapter, will be charged a BOD rate of 1.5 times the Extra Strength rate for BOD discharge concentrations over the Surcharge Strength threshold. All other normal billing provisions apply regarding other pollutants and BOD discharge concentrations below the Surcharge Strength threshold.
 - 2. An industrial user that consistently achieves TSS discharge concentrations below domestic strength will be charged the Extra Strength rate for all BOD discharge concentrations over domestic strength. All other normal billing provisions apply regarding other pollutants.
- c. Industrial user ineligibility
 - 1. An industrial user which has had a formal request for waiver of eligibility denied or an industry which has become ineligible due to TSS discharges which exceed the eligibility requirements will be notified in writing by the Director of the ineligibility in advance of the billing period for which the ineligibility will apply.
- 4. Contributors identified as Industrial Users shall be required to pay a permit and the cost for sampling and analysis.
 - a. Permit fees shall be based on the following schedule:
 - 1. Significant industrial users shall pay a permit fee as follows:
Effective July 1, 2017 \$515.00 per month
 - 2. Categorical industrial users shall pay a permit fee as follows:
Effective July 1, 2017 \$515.00 per reporting period
 - 3. Industrial users shall pay a permit fee as follows:
Effective July 1, 2017 \$258.00 per month
 - 4. Groundwater remediation contributors shall pay a permit fee as follows:
Effective July 1, 2017 \$515.00 per year
 - b. Conventional pollutants, TSS, BOD and FOG, will be sampled and analyzed by the City as follows:
Effective July 1, 2017 \$77.00 per sample
All other analysis shall be dependent upon permit requirement and cost for analysis.
 - 1. Groundwater remediation contributors shall be sampled in accordance to permit requirements.
 - 2. Industrial users shall be sampled once per month.
 - 3. Categorical industrial users shall be sample in accordance to permit requirements.

4. Significant industrial users shall be sampled once per week.

5. Unit charges for outside municipalities shall be in accordance with the following rate schedule:

Outside Municipality	Per 1000 Gallons
Effective July 1, 2017	\$2.160

6. Unit charges for outside improvement districts shall be in accordance with the following rate schedule:

Outside Improvement District	Per 1000 Gallons
Effective July 1, 2017	\$2.956

7. Subject to prior approval of the Director and receipt of a permit, waste haulers may discharge septic tank waste at the waste water treatment facility. Haulers are also required to obtain a State of Iowa Septic Hauler License. The charges for discharge shall be in accordance with the following rate schedule:

Septic Hauler Fee	Per Load Discharged
Effective July 1, 2015	\$33.00

8. Subject to prior approval of the Director and receipt of a permit, Waste Haulers may haul wastewater for discharge at the waste water treatment plant. Each load shall be sampled and accompanied by a Chain of Custody, which must be signed by the generator of the waste. If the waste is discharged through the headworks, normal industrial rates apply. If the discharge is directly injected into the digesters the charges for discharge shall be in accordance with the following direct injection rate schedule, which will be invoiced to the generator:

Direct Injection	Per lbs. of Solids Discharged
Effective July 1, 2017	\$0.133

(Ord. 2017-0567; 2015-0447; 2013-0081; 2012-0257; 2011-0739; 2009-0500; 2007-0407, 2007-0362, 2006-0485, 2003-0731; 2000-9673; 95/U-3285; 93/U-1104; 91/T-9920)

13.08.065 Repealed by 2011-0739

13.08.070 Special Rates and Charges.

1. Where a major portion of water used or consumed on the premises of a contributor engaged in commercial or industrial activities is not discharged into the sanitary sewer system, the Director may establish a special sewer user charge for such property based on the estimated quantity of water, sewage and waste discharged into the sanitary sewer system, or the contributor may, at its own expense, provide for the separate measurement of water used but not discharged into the sanitary sewer system, in which case, if the Director shall find the manner of segregation and measurement of such water to be satisfactory, the quantities of

water so determined shall be deducted from the total quantity of water used or consumed on the premises in determining the sewer user charge.

2. Residential consumers of water shall not be charged a sewer user charge for water passing through a separate meter, the type and installation of which shall be approved by the Director, and purchased and installed at the consumer's expense, when the meter shall be connected to outside taps for the purpose of lawn sprinklers or for the operation of air conditioners when such water is not discharged through or into the sanitary sewer system.
3. The rate charged for domestic-commercial and industrial-commercial meter maintenance shall be assessed in terms of equivalent five-eighths-inch meters in accordance with the domestic-commercial rate schedule presented in Section 13.08.060. All other users except outside municipalities and major industrial users requiring monitoring and metering will be assessed the costs of billing, sample collection, sample analysis, and maintenance or repair on metering and monitoring equipment which shall be conducted by the city or the city's agent. Charges shall include, but not be limited to, the actual cost of travel, labor, chemicals, equipment replacement and other charges directly accountable to the work.
4. Subject to prior approval of the Director and receipt of a permit, wastewater discharge resulting from groundwater remediation sites involving ground water or soil contamination may be discharged to the WWTP for treatment and disposal at the following rate structure:

Groundwater Remediation	Per Gallon Discharged
Effective July 1, 2017	\$0.025

(Ord. 2017-0567; 2011-0739; 2009-0500; 2007-0362, 2006-0485, 99-7612, 91/T-9920)

13.08.080 Annual Review.

1. The user charge ordinance, as adopted, shall be reviewed annually to determine the wastewater contribution of various classes of users, the total costs of operation and maintenance of the treatment works, and its approved user charge system, and annually revise the user charge rates for various classes of users in order to accomplish the following:
 - a. Maintenance proportional distribution of operation and maintenance costs among users or user classes, and generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the treatment works;
 - b. Apply any excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
2. Each user shall be notified, at least annually, in a regular bill, of the rate and that portion of the user charge which is attributable to the costs of operation, maintenance, and replacements of the treatment works. Annually, the city shall meet with the outside municipalities at least thirty days in advance of the implementation of the user charge ordinance.

(Ord. 2011-0739; 2010-0432; 2009-0500; 2007-0362, 2006-0485, 2004-0093; 88/T-6122; 83/T-1819)

13.08.090 Violation - Penalty.

Any contributor found in violation of this chapter constitutes a municipal infraction and is punishable according to the provisions of Section 1.04.100 of this code. Violations include but are not limited to the following:

1. Any discharge that the [Director](#) determines has caused, alone or in combination with other discharges, [interference](#) or [pass through](#), which endangers the health of the [sewage](#) treatment personnel or the public, or impairs the efficient operation of the City's [WWTP](#),
2. Slug discharges,
3. Any contributor responsible for the [dilution](#) or [bypass](#) of any wastestream in lieu of adequate treatment, or
4. Any other [prohibited](#) discharges or general violations of this Chapter or state and/or Federal code.

(Ord. 2015-0447; 2011-0739; 2009-0500; 2007-0362, 2006-0485, 99-7612, 91/T-9920)

13.08.100 Repealed by 2011-0739

13.08.110 Repealed by 2011-0739

13.08.120 Repealed by 2011-0739

CHAPTER 13.09. STORM SEWER SYSTEM DISCHARGE REGULATIONS

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13.09.010 Definitions.

1. **Discharge.** The release of water and any elements, compounds and particles contained within or upon, from property owned or controlled by a Responsible Party.
2. **IDNR.** The Iowa Department of Natural Resources or an authorized representative.
3. **Illicit connection.** Any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the City, which causes or facilitates, directly or indirectly, an illicit discharge.
4. **Illicit discharge.** Any discharge into the City's storm sewer system prohibited by the City's MS4 Permit.
5. **Municipal Separate Storm Sewer System (MS-4).** The conveyance or system of conveyances including storm sewers, roadways, road with drainage systems, catch basins, curbs, gutters, ditches, constructed channels, and storm drains owned or operated by the permittee.
6. **Responsible Party.** One or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any illicit discharge from the property that occurred while the person controlled, possessed or owned the Property.
7. **Permittee.** The MS-4 city or municipality.
8. **Property.** Includes, but is not limited to real estate, fixtures, facilities and premises of any kind located upon, under or above the real estate from which the Illicit Discharge occurred.
9. **Significant Materials.** Includes but is not limited to: raw materials, fuels, materials such as solvents, detergent, and plastic pellets, finished materials such as metallic products, raw materials used in food processing or production: hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
10. **Storm Water.** Storm water runoff, snow melt, and surface runoff and drainage.
11. **Storm Water Discharge Associated with Industrial Activity.** The discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified or activities identified in paragraphs (i) through (x) of this definition, the term includes but is not limited to storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process water waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment; storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For

the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposed of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (i) and (xi) of this definition include those facilities designated under 122.26 (a)(91)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection: Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards that are exempted under category (xi) of this definition); Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 31, 32 (except 323), 33, 3441, 373; Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations that have been released from applicable State or Federal reclamation requirements (after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operation; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator; Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA; Landfills, land application sites, and operational dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle C of RCRA; Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial classification 5015 and 5093; Steam electric power generating facilities, including coal handling sites; Transportation facilities classified as Standard Industrial Classification 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication, equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this subsection are associated with industrial activity; Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part

403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR Part 503; Construction activity including clearing, grading and excavation activities that result in the disturbance of 1 acre or more of total land area or which result in the disturbance of less than 1 acre but are part of a larger common plan of development or sale of 1 acre or more; Facilities under Standard Industrial Classification 20, 21, 22, 23, 265, 267, 27, 283, 285, 30, 31 (except 311) 323, 349 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and that are not otherwise included within categories (i) to (x)).

(Ord. 2006-0607)

13.09.020 Findings.

1. The U.S.EPA' s National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by the IDNR requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4 Permit). The City of Sioux City, Iowa (City) is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City' s MS4 Permit is on file at the office of the city clerk and is available for public inspection during regular office hours.
2. As a condition of the City' s MS4 Permit, the City is obliged to adopt and enforce a Storm Sewer System Discharge Regulations ordinance.
3. No state or federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this chapter entirely by charges imposed on the owners of properties which are made subject to the Program by virtue of state and federal law, and/or other sources of funding established by a separate ordinance.
4. Terms used in this chapter shall have the meanings specified in the Program.

(Ord. 2006-0607)

13.09.030 Illicit Discharges Prohibited.

1. It shall be unlawful for a Responsible Party to allow or cause an illicit discharge from any Property it controls, possesses or owns.
2. It shall be unlawful for a Responsible Party subject to an IDNR-issued industrial discharge permit or any other federal, state or City permit, statute, ordinance or rule to violate or fail to comply with any obligation imposed by such permit, statute, ordinance or rule if any such obligation is greater than any obligation imposed by this chapter.
3. Sediment pollution originating from excessive erosion rates on a construction site not otherwise subject to the City's Construction Site Erosion and Sediment Control (COSESCO) ordinance or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by the IDNR shall be deemed an illicit discharge in violation of this chapter.

4. Except as hereinafter provided, no person shall discharge or cause to be discharged into the municipal separate storm sewer system any illicit materials. The following discharges are permitted into the separate storm sewer system:
 - a. Water line flushing or other potable water sources, landscape irrigation or lawn water, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains but excluding active groundwater dewatering systems, crawl space pumps, air condition condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pool water if the water contains less than one part per million chlorine, firefighting activities, and any other water source not containing pollutants prohibited by the City's MS4 Permit;
 - b. Discharges specified in writing by city as being necessary to protect public health and safety;
 - c. Water that has been dyed for testing purposes provided that the city has given its written permission;
 - d. Non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(Ord. 2006-0812, 2006-0607)

13.09.040 Illicit Connections Prohibited.

1. It shall be unlawful for any person to construct, use, maintain or continue use of any illicit connection.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. However, if the Responsible Party did not construct the illicit connection, the Responsible Party shall be given reasonable notice by the City of the requirement that it removed the illicit connection and an opportunity to connect into the Storm Sewer System in conformance with current City ordinances.

(Ord. 2006-0607)

13.09.050 Industrial Discharges.

1. Any Responsible Party subject to an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit. A Responsible Party who does not comply is in violation of [Chapter 567](#) of the Iowa Administrative Code.
2. Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by said permit.

(Ord. 2006-0607)

13.09.060 Illicit Discharge Detection and Reporting; Cost Recovery.

1. All detection activities permitted under this chapter shall be conducted by the City public works director, hereinbefore and after referred to as the “enforcement officer.”
2. The City shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge, or circumstances which may cause an illicit discharge.
3. Every Responsible Party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the enforcement officer illicit discharges which the Responsible Party knows or should have known to have occurred. Failure to comply with any provision of this chapter is a violation of this chapter.
 - a. Notwithstanding other requirements of law, as soon as any Responsible Party has information of any known or suspected illicit discharge, the Responsible Party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the Responsible Party’s sole cost.
 - b. If the illicit discharge consists of hazardous materials, the Responsible Party shall also immediately notify emergency response agencies of the occurrence via emergency dispatch services.
 - c. If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
 - d. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement officer immediately but in any event within twenty-four hours of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the enforcement officer within twenty-four hours of the personal or phone notice.
4. Any person or entity shall also report to the City any illicit discharge or circumstances which such person or entity reasonably believes pose a risk of an illicit discharge.
5. Upon receiving a report pursuant to the previous subsections, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the Responsible Party, and any third party reporter, a written report of the conditions which may cause or which have already caused an illicit discharge. The Responsible Party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within twenty-four hours or as soon as it practicable given the circumstances of the discharge.
6. The enforcement officer shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a Responsible Party has security measures that require identification and clearance before entry to its property or premises, the Responsible Party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:
 - a. A Responsible Party shall allow the enforcement officer ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual, or imminent illicit discharge, and for the performance of any additional duties as defined by state and federal law.

- b. The enforcement officer shall have the right to set up on any property such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge.
 - c. The enforcement officer shall have the right to require any Responsible Party at Responsible Party's sole expense to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement officer directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Responsible Party at Responsible Party's sole expense. All devices shall be calibrated to ensure their accuracy.
 - d. Any temporary or permanent obstruction to safe and easy access to Property to be inspected and/or sampled shall be promptly removed by the Responsible Party at the written or oral order of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the Responsible Party.
 - e. An unreasonable delay in allowing the enforcement officer access to a Property is a violation of this chapter.
 - f. If the enforcement officer has been refused access to any part of the Property from which an illicit connection and/or illicit discharge to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.
7. If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement of this chapter shall be recovered from the Responsible Party. The enforcement officer shall submit an invoice to the Responsible Party reflecting the actual costs and wages and expenses incurred by the city for the enforcement activities undertaken. Failure to pay charges invoiced under this chapter within thirty days of billing shall constitute a violation of this chapter.

(Ord. 2006-0607)

13.09.070 Suspension of Access to the City's Storm Sewer System.

1. **Emergency suspension.** The enforcement officer may, without prior notice, suspend storm sewer system access to a Property when such emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the Responsible Party fails to immediately comply with an emergency suspension order, the enforcement officer shall take such steps as deemed necessary to prevent or minimize the illicit discharge. All costs of such action shall be recovered from the Responsible Party for the property identified as the source of the illicit discharge.
2. **Non-emergency suspension.** If the enforcement officer detects or is informed of circumstances which could cause an illicit discharge but such illicit discharge is not ongoing or imminent, and if the suspension of storm sewer system access would reasonably be expected to prevent or reduce the potential illicit discharge, the enforcement officer shall notify the Responsible Party of the proposed suspension of storm sewer system access and the time and

date of such suspension. Notice to one Responsible Party for the property shall be sufficient notice to all. Remediation of the circumstances shall avoid a violation of this chapter provided that no illicit discharge occurs. In the alternative, any Responsible Party may request a meeting with the enforcement officer for the purpose of presenting information which the Responsible Party believes will show that remediation is unnecessary, and if the enforcement officer finds such information is satisfactory the enforcement officer may rescind or modify the notice of suspension. If the enforcement officer finds such information unsatisfactory the enforcement officer shall issue a final written order of suspension including the date and time of suspension and such order may be appealed as provided hereinafter. Any physical action to reinstate storm sewer system access to property subject to such order prior to obtaining a court order of relief shall be deemed a violation of this chapter. An order of suspension shall not preclude charging the Responsible Party with a municipal infraction as provided hereinafter or taking any other enforcement action permitted by statute or ordinance.

(Ord. 2006-0607)

13.09.080 Watercourse Protection.

Every person owning Property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property below the elevation of the 100 year flood free of trash, debris, grass clippings or other organic wastes and other obstacles that would pollute, contaminate, or significantly alter the quality of water flowing through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. 2006-0607)

13.09.090 Enforcement.

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
2. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of Section [1.04.100](#).
3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

(Ord. 2006-0607)

13.09.100 Appeal.

1. Administrative decisions by City staff and enforcement actions of the enforcement officer may be appealed by the applicant to the City Manager or his designee pursuant to the following rules:
 - a. The appeal must be filed in writing with the city clerk within five business days of the decision or enforcement action.

- b. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
 - c. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
 - d. The city clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with [Chapter 21](#), Iowa Code, of the date, time and place for the regular or special meeting of the city council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four nor more than twenty days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by [Chapter 17A](#), Code of Iowa. The applicant may be represented by counsel at the applicant' s expense. The enforcement officer may be represented by the city attorney or by an attorney designated by the city council at City expense.
2. The decision of the city council shall be rendered in writing and may be appealed to the Iowa District Court.

(Ord. 2006-0607)

13.09.110 Penalty.

Any person who violates any of the provisions of this chapter is guilty of a municipal infraction and shall upon conviction, be punished as provided in section [1.04.100](#) of this municipal code. Alternatively, any person who knowingly or intentionally violates any of the provisions of this chapter is guilty of a misdemeanor and shall upon conviction be punished as provided in section [1.04.100](#) of this code. No person shall be charged with both a municipal infraction and a misdemeanor for the same violation.

(Ord. 2017-1097; 2006-0812; 2006-0607)

CHAPTER 13.12. FLUSHING

Contents:

[13.12.010 Permit.](#)

[13.12.020 Supervision by Master Plumber.](#)

[13.12.030 Bill for Services Rendered.](#)

13.12.010 Permit.

Before any sewers are flushed out by the utilities department, it shall first be necessary that a duly licensed plumber take out a permit with the utilities director, or whomever he may designate, stating the location of the sewer to be flushed and the name of the owner of the property at that location.

(Ord. 2017-0998; 98/U-6424)

13.12.020 Supervision by Master Plumber.

All flushing of sewers shall be done under the supervision of a master plumber who has taken out a permit for the same as provided in Section 13.12.010, and no sewer shall be flushed by the utilities department or any other department of the city except under the supervision of the master plumber who has taken out a permit for the same.

(Ord. 2017-0998; 98/U-6424)

13.12.030 Bill for Services Rendered.

The city shall render to the master plumber who has taken out the permit a bill for the reasonable value of the services rendered by the city in flushing out the sewer for which the permit was applied, it being understood that the provisions of this chapter shall not apply to trunk line sewers or main sewers.

CHAPTER 13.14. FAT, OIL AND GREASE (FOG) REGULATION

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13.14.010 Purpose.

It is determined and declared to be necessary and conducive to the protection of public health, safety, welfare and convenience of the city to collect charges, rates or user fees, and oversee the required Fats, Oil and Grease (FOG) Management from all food service establishments (FSEs) that are connected directly or indirectly with the public sewer system by or through any part of such sewage system of the city or that in any way use such public sewer system; the proceeds of such charge or fees so derived to be used for the purpose of operating, maintaining, and repairing such public sewer system(s)

(Ord 2015-0209)

13.14.020 Definitions.

The following definitions shall apply to this chapter:

1. **Best Management Practices (BMPs)** means schedules of activities, prohibition of practices, maintenance procedures, and other management practices implemented including but not limited to practices to control site run-off, drainage from raw material storage, spills or leaks, and any other waste disposal.
2. **Biochemical oxygen demand (BOD)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, results are expressed in milligrams per liter.
3. **Brown Grease** means floatable fats, oils, grease, settled solids, and associated wastewater retained by grease interceptors and grease traps.
4. **Bypass** means the intentional diversion of wastestreams.
5. **City** means the City of Sioux City, Iowa.
6. **Contributor** means any person, firm or corporation, except a significant industrial user, owning, renting or operating any lot, parcel of real estate or buildings where liquid or solid waste or sewage is produced which is discharged to the sewer system of the City.
7. **Debris** means something that has been broken into pieces such as garbage, trash and/or waste.
8. **Director** means the Public Works Director of the City, or his/her authorized representative.
9. **Domestic strength** means wastewater which has a total suspended solids (TSS) concentration less than three hundred parts per million (300 mg/L), a five-day biochemical oxygen demand (BOD) concentration less than two hundred fifty parts per million (250 mg/L), and a fats, oil and grease (FOG) concentration less than one hundred parts per million (100 mg/L).
10. **Drain Fixture Unit** means any drain/fixture that has the potential of carrying grease or introducing grease into the drainage or sewage system.
11. **Fats, oil and grease (FOG)** means fats, oil and/or grease present in a contributors discharge measurable by standard laboratory extraction, results are expressed in milligrams per liter.
12. **Food Service Establishment (FSE)** means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for, taken out, or consumed on property by customers, or prepared prior to being delivered to another location for consumption.
13. **Grease interceptor** means an outside underground tank that separates and retains brown grease and solids from the wastewater before it discharges in to the sewer.

14. **Grease trap** means inside, under-the-sink units, floor traps, and outdoor floor traps that separates and retains brown grease and solids from the wastewater before it discharges in to the sewer.
15. **Illicit discharge**. Any discharge into the City's storm sewer system prohibited by the City's MS4 Permit and/or Municipal Code for Stormwater Regulations 13.09.
16. **Industrial wastewater** means the wastewater entering the sanitary sewer system resulting from any manufacturing or industrial operation or process.
17. **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal and,
 - b. Therefore is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
18. **National Pollutant Discharge Elimination Permit (NPDES)** is a program that controls water pollution by regulating point sources that discharge pollutants into waters of the United States.
19. **Pass through** means a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation).
20. **pH** means the logarithm of the reciprocal of hydrogen ion concentration in gram atoms per liter, used to express the acidity or alkalinity of a solution on a scale of 0 -14, where less than 7 represents acidity, 7 neutrality, and more than 7 alkalinity.
21. **Property** means any piece or portion of real estate.
22. **Public sewer** means a sewer which is controlled by the City.
23. **Sanitary sewer** means the collection of pipes and trunk mains designed to carry sewage and wastewater from houses and businesses to the WWTP for treatment and disposal.
24. **Sanitary Sewer Overflow (SSO)** means an episodic unintentional discharge causing but not limited to blockages, line breaks, and sewer defects that potentially may result in contamination of stormwater or groundwater.
25. **Sewage** means a combination of the water-carried wastes from property to the WWTP for treatment and disposal.
26. **Sewer** means a pipe or conduit for carrying sewage.

27. **Shall** is mandatory. **May** is permissive.
28. **Slug discharge** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWTP regulations, local limits or permit conditions.
29. **Storm sewer** means the collection of pipes and trunk mains designed to carry stormwater, surface water, and drainage, but excludes sewage and industrial wastewater, other than unpolluted cooling water.
30. **Surcharge strength** means any discharge which has a total suspended solids (TSS) concentration greater than twelve hundred parts per million (1200 mg/L), a five-day biochemical oxygen demand (BOD) concentration greater than two thousand parts per million (2000 mg/L), or a fats, oil and grease (FOG) concentration greater than four hundred parts per million (400 mg/L).
31. **Total suspended solids (TSS)** means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid that is removable by laboratory filtering, results are expressed in milligrams per liter.
32. **Uniform Plumbing Code** means a model code developed by the International Association of Plumbing and Mechanical Officials (IAPMO) to govern the installation and inspection of plumbing systems as a means of promoting the public's health, safety and welfare.
33. **WWTP** means the wastewater treatment plant owned and operated by the City.
34. **Yellow grease** means inedible, unadulterated, animal and vegetable-based fats, oils, and grease produced and removed by a food service establishment.

(Ord. 2015-0209)

13.14.030 Uniform Plumbing Code Reference.

The City has, pursuant to Chapter 20.14 of this code, adopted the Uniform Plumbing Code to govern the installation of all FOG disposal system for all Food Service Establishments (FSE) that discharge, directly or indirectly, to the public sewer system. All engineered systems shall be in accordance with these specifications, which by this reference are made a part hereof as though fully set forth herein.

(Ord 2015-0209)

13.14.040 Fats, Oil and Grease Program.

1. Program description
 - a. The Fats, Oil and Grease Program will reduce sanitary sewer overflows and blockages thus protecting public health and the environment by minimizing exposure to unsanitary conditions. The program will also extend the life of sewer lines and reduce sewer line maintenance required as a result of these blockages.

- b. Program control will allow for an increase in sewer system efficiency, reduce sewer line blockages and overflows; ultimately minimize the impact on public activities and reduce maintenance costs.
- c. The program will also aide in the effectiveness of the City's Odor Control program for the identification and control of nuisance odors associated with sanitary sewer discharges by reducing the amount of pollutants discharged.
- d. The program will require all FSEs have a scheduled annual inspection unless otherwise deemed necessary by the director.

2. General requirements

a. Equipment

- 1. Chapter 10 of the Uniform Plumbing Code sets forth all requirements for a FOG disposal system to be upheld by all FSEs that discharge, directly or indirectly, to the public sewer system. The FSE must install, operate, and maintain grease control equipment. Every FSE shall obtain prior approval of type, size, and location of said equipment from the director.
 - A. Each FOG control mechanism shall be located as close as practical to the fixtures they serve.
 - B. No grease trap shall have the capacity of less than twenty (20) gallons per min (gpm) or more than fifty-five (55) gpm, if necessary additional units may be required in tandem or in series to address loading and/or flow volumes.
- 2. A FSE with four or fewer drain fixture units and that of a small volume discharge may install a grease trap, with the understanding that if the nature of their business is that of a heavy FOG generator they shall be required, by the director, to install consecutive units or an interceptor.
- 3. A FSE with more than four drain fixture units and that of a medium to large volume discharge shall install an outdoor grease interceptor, unless otherwise determined not necessary by the director.
 - A. Each interceptor shall have a minimum of two (2) compartments. The first compartment shall be two-thirds (2/3) of the total capacity of the interceptor, and a minimum liquid volume of three hundred thirty three (333) gallons. The minimum size of a grease interceptor for any qualified FSE shall be five hundred (500) gallons.
 - B. The compartments shall be separated by partitions or baffles that extend at least six (6) inches above the water level.
 - I. Redwood baffles are prohibited.
 - C. The inlet and outlet fittings shall be a baffle tee, or similar flow device, that extends at least four (4) inches above the water level to within twelve (12) inches off the bottom of the interceptor. The outlet tee out of the sample box shall extend at least six (6) inches below the water surface.
 - D. Flow between the separate compartments is through a baffle tee or bend that extends down to within twelve (12) inches off the bottom of the interceptor.
 - E. The liquid depth shall be greater than or equal to two feet six inches (2'-6") and less than six feet (6').
- 4. Each FOG control mechanism shall have an approved flow control or restricting device installed in a readily accessible and visible location. The flow device shall be designed so

that the flow through the device(s) at no time exceeds the rated capacity of the FOG control mechanism.

5. All approved waste shall enter the FOG control mechanism through the inlet pipe only.
 6. Each FOG control mechanism shall be vented, in an approved manner to protect against siphonage and back-pressure, allowing for proper air circulation throughout the entire drain system.
 - A. The vent shall connect with the sanitary drainage vent system, and shall terminate through the roof of the building, and shall not terminate to the free atmosphere inside the building.
- b. Additional Specifications:
1. All dishwasher units piping shall be constructed such that they do not flow into a grease interceptor, unless there is an adequate cooling time between dishwasher unit and grease interceptor, adequate screening of the dishwasher discharge shall be required.
 2. All waste/wash water in excess of 140°F and dishwashers with a minimum temperature of 160°F shall not be discharged to any grease trap.
 3. Water jacketed FOG control mechanisms are prohibited.
 4. Following approval by the director, a FSE that has demonstrated that they only require a grease trap, and operate a food waste disposal, shall be required to have a stand-alone grease trap for the food waste disposal. While sizing for an interceptor, all FSEs shall account for the additional food disposal waste products.
 5. Any combination, or sequence, of FOG control mechanisms shall be allowed in order the meet stated requirements.
 6. All FSEs which produce yellow grease shall recycle this in an approved grease recycling container, which have tight-fitting lids and secondary containment, and shall be handled by a licensed recycling company.
 7. All interceptors and/or traps shall be located where the equipment can be easily accessed for maintenance and clean out, no ladders or bulky equipment shall be needed to service an interceptor.
 - A. There shall be a minimum of one access point into each compartment of a grease interceptor and no access point openings are greater than ten (10) feet apart.
 - B. Each access point opening shall be leak-resistant and can't slide, rotate, or flip.
 - C. No grease interceptor is allowed to be installed in any part of a building where food is handled.
 - D. The location of an interceptor shall be shown on the approved building plans.
 8. Plumbing fixtures conveying human waste shall not drain into or through the FOG control mechanism.
 9. Interceptors shall be permanently and legibly marked with the manufacturer's name or trademark, model number, and any other markings required by law.
 10. Any slug discharge shall be reported to the director immediately; depending on the severity, a Notice of Violation and fine may be issued.
- c. Pumping frequency
1. It is herein stated that the 25% rule shall be the mandated universal order for all contributors. The 25% rule is as follows, when a FOG control mechanism is sampled the sum of the grease layer and the solids layer shall never exceed 25% of the tank depth

volume. This is done via physical inspection by the contributor through the use of a sludge judge.

- A. At a minimum, all grease traps shall be pumped out weekly. If it is found that this said schedule is insufficient to the nature of business, then one or more of the following may be required; more frequent clean outs of the existing equipment, modifications to the existing equipment and/or the installation of a new control mechanisms.
 - I. If an FSE is required by decision of the director to install a new, modify or replace an existing FOG control mechanism, a compliance schedule for the required equipment shall be issued with a compliance timeline not to exceed 6 months from the issuance of the compliance schedule, unless otherwise requested and approved by the director.
 - B. At a minimum, all grease interceptors shall be pumped and maintained every ninety (90) days or when the 25% rule is reached, whichever comes first. If it is found that this said schedule is insufficient to the nature of business, then one or more of the following may be required; more frequent pump outs of the existing equipment, modifications to the existing equipment and/or the installation of a new control mechanisms.
 - I. If an FSE is required by decision of the director to install a new, modify or replace an existing FOG control mechanism, a compliance schedule for the required equipment shall be issued with a compliance timeline not to exceed 6 months from the issuance of the compliance schedule, unless otherwise requested and approved by the director.
 - C. A FSE not maintaining the above required standard pumping frequency is subject to Notice of Violation and any appropriate fines or penalties, up to termination of service.
 - D. All FSEs shall be required to maintain onsite records retention of pumping manifests, to include volume of grease removed, for review and compliance determination.
 - E. A submission of clean out report for grease traps shall be sent to the director quarterly; April 1, July 1, October 1, and January 1. Failure to submit the necessary report shall result in an issuance of Notice of Violation, continued non-compliance shall result in escalation of enforcement without prior notification.
 - F. A submission of a grease interceptor pumping report shall be sent to the director within ten (10) day of pumping. Failure to submit the necessary report shall result in an issuance of Notice of Violation, continued non-compliance shall result in escalation of enforcement without prior notification.
2. A FSE with a grease trap may maintain their own unit; however a FSE with an interceptor shall have it pumped by a hauler licensed by the state of Iowa and certified by the Pretreatment Department.
 3. All FSEs shall be required to maintain a six (6) month domestic strength average FOG discharge concentration of less than one hundred (100) mg/L.
 - A. If an FSE is found discharging in excess of surcharge strength FOG of four hundred (400) mg/L grease concentration, in a six (6) month period, fines, penalties, and/or other punitive actions may be issued by the director. Dependent on the level of

severity, additional equipment and/or increased pumping frequency may also be required by the director.

- d. Internal Best Management Practices that a FSE are required to follow to prevent unnecessary fat, oil, grease, and solids from discharging into the sewer include but are not limited to:
 - 1. Initial and continued employee education, to be completed at least annually. Documentation of training needs to be accessible.
 - 2. Educational signage in appropriate areas
 - 3. Dispose of food wastes into trash receptacles
 - 4. Scrape and “dry wipe” all pots, pans, plates, utensil, and other cooking necessities into trash receptacles prior to washing
 - 5. Strainers in sinks and screens on floor drains to capture food solids, to be emptied into trash receptacles daily
 - 6. Sweep all floor debris for solid waste disposal prior to wash down
 - 7. Clean all mats and dispose of mop water through a utility sink that is connected to the FOG control mechanism
 - 8. Use of absorbent pads or other non-free flowing material to cleanup spills and leaks
 - 9. Clean all vents and hoods regularly
 - 10. Clean exhaust systems regularly
 - 11. Use wash water temperatures less than 140°F
 - 12. Use a three (3) sink dishwashing system
 - 13. Recycle waste cooking oil
 - 14. Adhere to a strict maintenance schedule for cleaning of FOG control mechanism
 - 15. Witness all maintenance/cleaning of FOG control mechanism
 - 16. Keep a maintenance log
 - 17. Locate all outdoor dumpster and recycle containers away from stormwater catch basins
 - 18. Cover outdoor grease and oil storage containers
 - 19. Do not clean equipment outdoors as the run-off would lead to the issuance of a Notice of Violation and fine for illicit discharge.
 - 20. Do not use hot water, acids, caustics, solvents, degreasers, or emulsifying agents when cleaning FOG control mechanisms.
 - 21. Do not pour FOG waste directly into the grease interceptor.
 - 22. The addition of any bio-augmentation chemical to a FOG control mechanism is prohibited, unless approved by the director.
- e. Hauler Responsibilities
 - 1. Certified haulers shall submit pump out reports monthly to the director.
 - 2. No such collected grease shall be introduced into any drainage piping, public or private sewer, or stormwater inlet.
 - 3. All licensed haulers interested in servicing the FSE community shall be required to have all employees who may perform FOG control mechanism maintenance, clean out and/or repair attend annual training, provided by the director, to ensure the clean out of all FOG control mechanisms are completed within the requirements of this chapter and

that the disposal of said waste is done in accordance with municipal, state and/or Federal regulations.

- A. Participants will receive a FOG Program Certified Hauler Certificate for each employee that attends training.
- B. A list of “certified haulers” will be disseminated to the FSE community once annually; if a hauler does not participate, in said training, their contact information will not be included on the list.
- C. The Pretreatment Department shall template a pump out manifest which will be required for all FOG control mechanism cleaning.
 - I. It shall contain all relative information including disposal location.
 - II. The manifest will need to be signed by the waste generator (FSE) and the hauler to ensure liability.
- D. Any hauler or FSE found in violation of appropriately disposing of the wastes identified and regulated in this chapter shall be subject to enforcement action including fines if applicable.
- E. All pumping required by this ordinance shall be properly performed by an approved hauler, any pumping done by a non-approved hauler will be considered null and void and may result in enforcement action.

f. Disposal Tracking

- 1. It is the responsibility of the FSE to keep track of pumping frequency and any records involved with the FOG control mechanism.
- 2. All paperwork associated with the FOG program shall be retained for a minimum of three (3) years.

3. Authority of the director

a. Initial notification, inspection and records review

- 1. An initial notification letter will be sent to all FSEs that use the public sewer, directly or indirectly, to inform them of the Fats, Oil and Grease Program and the responsibilities and requirements herein.
- 2. Annually an annual inspection letter shall be sent to all identified FSEs. It shall be the responsibility of the FSE to contact the director within ten (10) days of receipt of the annual inspection letter to set up an inspection and records review; failure to get in touch with the director shall result in an unscheduled inspection and records review.
- 3. A final inspection report will be sent to the FSE within thirty (30) days following an inspection.
 - A. Any issues of non-compliance identified during the inspection will be summarized in the final inspection report. The FSE shall submit an explanation of the violation, a plan for the satisfactory correction of the violation and prevention of future similar violations. The response shall include specific required actions, and specific compliance schedules and it shall be submitted in writing to the director within ten (10) days of receipt of final inspection report.
 - B. Any non-compliant inspections shall require a follow-up inspection within ninety (90) days of non-compliance response.

b. Sampling

1. It is recommended that a sample box be located at the outlet end of all interceptors for periodic effluent compliance sampling.
 2. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.
 - A. For grease interceptors the sample location shall be the outfall piping.
 - B. For grease traps the sampling location shall be the nearest upstream and downstream manholes in the sewer from the point at which the building sewer is connected.
 - C. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.
 - D. The particular analysis involved will determine whether a twenty-four hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.
- c. Violations
1. General. It shall be the duty of the director to enforce the provisions of this chapter.
 2. Notice of Violation (NOV). Whenever the director finds that any person has violated or is violating the provisions of this chapter, or a permit or order issued hereunder, the director may serve upon said person written notice of the violation and the director may designate a compliance schedule for corrections of the violation, which shall become an addendum to the user's permit. Within ten (10) days of service of this notice, an explanation of the violation and a plan for the satisfactory correction of the violation and prevention of future similar violations, including specific required actions and specific compliance schedules, shall be submitted in writing to the director. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice.
 3. Any non-compliant inspection resulting in a SSO or illicit discharge traced back to the FSE may result in punitive damages and/or required modification to existing FOG control mechanism(s).
 4. Blocking a sanitary sewer line is also a violation of the federal Clean Water Act and may be subject to additional enforcement actions. A contributor identified as the cause of a sewer line blockage and/or SSO may be subject to cost recovery for damages incurred, to the City or to a third party. The contributor may also be responsible for all damages, costs and expenses, including attorney fees.
4. Categorization
- a. A FSE shall be considered a Large Contributor if any of the following criteria are met:
 1. Chain Restaurants and any FSE that serves a full menu, 16 plus hours a day and/or 400 plus meals prepared a day
 2. Any frequent offenders or "hotspots" identified through sampling and/or sewer line maintenance.
 - b. A FSE shall be considered a Medium Contributor if any of the following criteria are met:

1. 8-16 hours per day and/or 100-400 meals prepared per day; however if the menu is that of a heavy FOG nature the FSE may be classified as large contributor. This shall be at the discretion of the director.
 - c. A FSE shall be considered a Small Contributor if any of the following criteria are met:
 1. Any FSE that has a limited menu, minimal dishwashing, and/or minimal seating; however if menu is that of a heavy FOG nature FSE may be classified as a Medium or Large Contributor. This shall be at the discretion of the director.
 - d. Other contributors operating, maintaining, or cleaning oil/water separators or settling pits for the intent of pollutant capture, or as identified, including but not limited to: hospitals, nursing homes, hotels, equipment manufacturers, schools, daycares, grocery stores, implement dealers/repair, maintenance garages/repair.
 1. An annual inspection of oil/water separators, pumping schedule and documentation, and review of BMPs, will be conducted to all that apply within the category or as identified.
 2. Additional treatment technologies shall be required, if deemed necessary, to all that apply within the category. This shall be at the discretion of the director, including but not limited to screen, grinder pump, catch basin, or strainer.
5. Variance
- a. If installed prior to April 1, 2015 a FSE may be grandfathered from the above equipment requirements through the life of their current device or until modifications are deemed necessary by the director. However, an expansion of the FSE and/or an addition/modification to existing plumbing forfeits said statute at which time all of the requirements herein are applicable.
6. Closure/Foreclosure/Abandonment
- a. All FSEs shall be required to complete the following appropriate steps in the event that a closure is imminent:
 1. Notification to the director.
 2. Complete system clean out and capping in accordance with the Uniform Plumbing Code or as requested by the director.
 - A. The proper clean out procedure shall include pumping out the FOG control mechanism, jetting the line, and pumping the FOG control mechanism dry.
 - B. If circumstances arise which may lead to the demolition of the FSE building, with no intent to build new, the FSE will also be responsible for having a licensed hauler cap the existing FOG control mechanism, to prevent backflow.
 3. A letter of the clean out, once completed, shall be sent to the director.
 4. A Final inspection shall be completed by the director and a termination letter to file.

(Ord. 2015-0209)

13.14.050 Prohibited Discharges into Sanitary Sewers.

1. Discharge of untreated sewage:
 - a. It is unlawful to discharge into any storm sewer within the City or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

2. Discharge of stormwater into the sanitary sewer;
 - a. No contributor shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewers unless otherwise authorized by the director.
 - b. Stormwater and all other unpolluted drainage shall be discharged into storm sewers approved by the director.
3. General prohibitions. These general prohibitions and the specific prohibitions of this chapter apply to each contributor introducing pollutants into a WWTP whether or not the contributor is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements.
 - a. No contributor may introduce into a WWTP any pollutant(s) which cause pass through or interference.
 - b. No contributor shall bypass or dilute any waste stream in lieu of adequate treatment or monitoring.
4. Specific prohibitions. The following pollutants shall not be introduced into the sanitary sewer and/or WWTP;
 - a. Pollutants which create a fire or explosion hazard in the WWTP, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - b. Pollutants which will cause corrosive structural damage to the sanitary sewer and/or WWTP.
 - c. Pollutants which have a discharge pH lower than 5.0 s.u. or greater than 11.5 s.u.
 - d. Any pollutant released in a discharge at a flow rate and/or pollutant concentration which will cause interference or pass through at the WWTP.
 - e. Any discharge with heat in such quantities that the temperature at the WWTP exceeds 40 degrees Centigrade or 104 degrees Fahrenheit which inhibits the biological activity of the WWTP and causes interference or pass through.
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sanitary sewer and/or WWTP in a quantity that may cause acute worker health and safety problems.
 - h. Any trucked in or hauled pollutants, except at discharge points designated by the WWTP.
 - i. Any debris which causes a restriction or blockage within the collection system.
 - j. Any solid or viscous pollutants in amounts which will cause obstruction to the flow within the collection system or the WWTP resulting in interference including but not limited to SSOs.
 - k. Chemical or biological agents allowing for the breakdown or emulsification of fat, oil, and grease.
5. No contributor shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - b. Any waters or wastes containing carcinogenic, toxic or poisonous solids, liquids or gases in sufficient quantity to either singly or by interaction with other wastes, injure or interfere

with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving waters of the sewage treatment plant.

- c. Any discharge prohibited by 40 CFR 403.5.
 - d. Any discharge prohibited by 40 CRR 403.6.
 - e. Any combination of discharges that cause the WWTP to exceed its influent capacity.
 - f. Any combination of discharges that cause the WWTP to exceed its regulated NPDES effluent discharge limits to the Missouri River.
6. Waters or wastes containing substances which are not amenable to treatment or reduction by the WWTP processes employed, or are amenable to treatment only to such degree that the WWTP effluent cannot meet the requirements of the issued NPDES permit to the Missouri River.

(Ord. 2015-0209)

13.14.060 Right of Entry.

1. The director shall be permitted to enter any property other than residences, at any time, and residences at such reasonable times for the purpose of inspection, observation, set up and use of monitoring equipment, sampling, testing, or inspecting and copying records in accordance with the provisions of this chapter, state regulation and /or federal code; provided, that:
 - a. If such property is occupied he/she shall first present proper credentials to the occupant and request entry, explaining his/her reasons therefore; and
 - b. If such property is unoccupied, he/she shall first make a reasonable effort to locate the owner of such property and request entry, explaining his/her reason therefore,
 - c. If such entry is refused or cannot be obtained because the owner of such property cannot be found after due diligence, the director shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes.
2. Notwithstanding the foregoing, if the director has reasonable cause to believe that prohibited waters or wastes are being discharged from any property into a public sewer, and has reasonable cause to believe that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health or safety, he/she shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained.
 - a. If the property is occupied, he/she shall first present the proper credentials to the occupant and demand entry, explaining his/her reasons therefore and the purpose of his inspection.
 - b. No contributor shall fail or refuse, after proper demand has been made upon him, as provided in this subsection, to promptly permit the director to make any inspection provided for by this subsection.
 - c. Violating this subsection is guilty of a misdemeanor.
3. The director shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

4. While performing the necessary work on property referred to in this section, the director shall observe all applicable safety rules established by the owner of the property.

(Ord. 2015-0209)

13.14.070 Enforcement Actions.

All violations or issues of non-compliance of this chapter shall be subject to the following enforcement actions including but not limited to:

1. Any person who violates any of the provisions of this chapter is guilty of a municipal infraction and shall upon conviction, be punished as provided in section 1.04.100 of this municipal code. Alternatively, any person who violates any of the provisions of this chapter is guilty of a misdemeanor and shall upon conviction be punished as provided in section 1.04.100 of this code. No person shall be charged with both a municipal infraction and a misdemeanor for the same violation.
2. Injunctive Relief/Termination of Service. In case any person has violated or is violating the provisions of this chapter, the director may petition the court for the issuance of a preliminary or permanent injunction or both, which restrains or compels the activities on the part of the person. The director shall have such remedies to collect all associated fees as are available to collect other sewer service charges.
3. Criminal Actions. Each separate provision of this chapter violated shall constitute a separate offense.

(Ord. 2017-1097; 2015-0209)

13.14.080 Appeals.

Any contributor who is deemed non-compliant and is aggrieved by this determination may file an appeal in writing to the director. The appeal must be filed by the contributor within 10 (ten) days of formal notification of non-compliance. Within 10 (ten) days of a filed appeal, the director shall deny or grant the appeal by reviewing the enforcement recommendations made by the Pretreatment Department. In the event of a denial, the contributor may then file a hearing request with the Environmental Advisory Board within 10 (ten) days of denial notification. The Environmental Advisory Board shall: (1) Review enforcement recommendations made by the Pretreatment Department. (2) Hold hearings upon appeals filed with the director. (3) Arbitrate disputes that may arise regarding notices given under this chapter; and (4) Provide for recording and transcription of the hearing through the director. Following a hearing request, the director shall schedule a meeting with the Environmental Advisory Board to review the FOG complaint history, the enforcement proceedings to date, and the appeal within two weeks of receiving an appeal. Within 30 (thirty) days of a filed appeal, the director shall schedule a hearing, communicating date, time and location to the Appellant and the Environmental Advisory Board, at which time the Appellant shall be afforded a full opportunity to be heard, have the right to produce witnesses and to be represented by counsel. After hearing all relevant evidence, the Environmental Advisory Board shall deny or grant the appeal no later than 5 (five) days from date of hearing. A determination of the Environmental Advisory Board must be approved by simple majority. The determination of the Environmental Advisory Board may be appealed to the City Council. Notice of appeal shall be filed with the City Clerk no later than 10 (ten) days after the written decision is rendered. The hearing before the City Council shall be held at a City Council meeting within 30 (thirty) days of the filing of the appeal. The City Council shall consider only such evidence as was produced at the hearing as shown by the transcript of record. All notices served under this chapter shall advise the FOG contributor served of their opportunity to be heard, the manner in which appeals under this section are to be filed, that they have the right to produce witnesses in their own behalf, and that they have the right to be represented by counsel. After an appeal is filed under this chapter, the director shall stay all proceeding arising from the original appeal under this chapter regarding the appeal until the Environmental Advisory Board denies or grants the appeal or until the City Council renders a decision if further appeal is taken.

(Ord. 2015-0209)

13.14.090 Confidential Information.

Information and data on a user obtained from a report, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless such availability is prohibited or prescribed by Chapter 22 of the Code of Iowa or other applicable state and federal law. To the extent that the city of Sioux City is required to maintain the confidentiality of the above records pursuant to Chapter 22 of the Code of Iowa, other applicable state or federal law, such information and data on a user will be permitted to be available to the public or a government agency only upon compliance with the terms and conditions of such applicable state and federal laws.

(Ord. 2015-0209)